

1  
2  
3  
4  
5  
6  
7 **UNITED STATES DISTRICT COURT**  
8 **DISTRICT OF NEVADA**  
9

10 JASON ARTHUR ALTHEIDE,

11 Plaintiff(s),

12 v.

13 THOMAS KLEUCZAR, et al.,

14 Defendant(s).  
15

Case No.: 2:16-cv-2272-RFB-NJK

**Order**

(Docket Nos. 79, 83)

16 Pending before the Court are Plaintiff's motion to extend the discovery cut-off and motion  
17 to compel discovery from Defendant David Boruchowitz. Docket Nos. 79, 83. The Court has  
18 considered Plaintiff's motion to extend, and Defendants' response, as well as Plaintiff's motion to  
19 compel, and Defendant Boruchowitz's response. Docket Nos. 79, 82, 83, 86. No replies to either  
20 motion were filed. The Court finds the motions properly resolved without a hearing. *See* Local  
21 Rule 78-1. For the following reasons, the Court **GRANTS** Plaintiff's motion to extend at Docket  
22 No. 79, and **DENIES** Plaintiff's motion to compel. Docket No. 83.

23 Plaintiff asks the Court to compel Defendant Boruchowitz to comply with numerous  
24 requests for production of documents and provide answers to interrogatories. *Id.* at 1. Plaintiff  
25 submits that he propounded these discovery requests on May 14, 2018. *Id.* Plaintiff further  
26 submits that, when he did not receive a response after 30 days, he wrote a letter to Defendant  
27 Boruchowitz on June 21, 2018, "in an attempt to obtain" a response. *Id.* at 1, 3; *see also* Docket  
28 No. 86 at 7-8.

1 In response, Defendant Boruchowitz submits that he never received the requests for  
2 production of documents or the interrogatories. Docket No. 86 at 3. Defendant further submits  
3 that, in response to Plaintiff's June 21, 2018, letter, he sent correspondence to Plaintiff notifying  
4 him of the same and "further requested that, if Plaintiff believed that the written discovery had in  
5 fact been sent, that proof of service be provided," but to date has not received proof of service. *Id.*

6 Accordingly, the Court **DENIES** Plaintiff's motion to compel. Docket No. 86. The Court  
7 **GRANTS** Plaintiff's motion to extend and extends the discovery cut-off from August 1, 2018, to  
8 October 1, 2018. Docket No. 79. Plaintiff shall re-serve the discovery requests at issue on  
9 Defendant Boruchowitz within 30 days of the date of this order.

10 IT IS SO ORDERED.

11 Dated: July 31, 2018

12  
13   
\_\_\_\_\_  
NANCY J. KOPPE  
United States Magistrate Judge  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28